

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JAMES LAMONT MILLER, a.k.a.  
MONEY MONT,

Case Number: 07-CV-14002

Petitioner,

Honorable Anna Diggs Taylor

v.

WILLIE O. SMITH,

Respondent.

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**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S  
MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner James Lamont Miller, a.k.a., Money Mont, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner filed his petition on September 21, 2007. The Court ordered Respondent to answer the petition by April 1, 2008. Before the Court now is Petitioner's "Motion for Appointment of Counsel" (Docket #4).

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), *cert. denied*, 538 U.S. 984, 123 S.Ct. 1793, 155 L.Ed.2d 677 (2003), *reh. denied*, 539 U.S. 970, 123 S.Ct. 2666, 156 L.Ed.2d 677 (2003). There exists no constitutional right to the appointment of counsel in habeas cases, and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . .

. a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henever the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines after careful consideration that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner’s “Motion for Appointment of Counsel” (Docket #4) is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner’s motion if it determines at a later date that appointment of counsel is necessary.

DATED: January 31, 2008

s/Anna Diggs Taylor

ANNA DIGGS TAYLOR  
UNITED STATES DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on January 31, 2008.

JAMES MILLER, #168439  
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s/Johnetta M. Curry-Williams  
Case Manager